



Federal Bureau of Investigation

Washington, D.C. 20535

MR ERNIE LAZAR  
POST OFFICE BOX 423434  
SAN FRANCISCO, CA 94142 3434

June 4, 2002

Capell-related

Subject: FILE #77-51387

FOIPA No. 0407685- 001

= Mostly translated  
foreign correspondence  
re: JFK + RFK  
+ refs to Frank Capell's  
books on Marilyn Monroe

Dear Requester:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

☒ (b)(1)

☐ (b)(7)(A)

☐ (d)(5)

☒ (b)(2)

☐ (b)(7)(B)

☐ (j)(2)

☐ (b)(3)

☒ (b)(7)(C)

☐ (k)(1)

☒ (b)(7)(D)

☐ (k)(2)

☐ (b)(7)(E)

☐ (k)(3)

☐ (b)(7)(F)

☐ (k)(4)

☐ (b)(4)

☐ (b)(8)

☐ (k)(5)

☐ (b)(5)

☐ (b)(9)

☐ (k)(6)

☐ (b)(6)

☐ (k)(7)

262 page(s) were reviewed and 262 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☐ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown,



FREEDOM OF INFORMATION  
AND  
PRIVACY ACTS

**SUBJECT: FILE #77-51387**



FEDERAL BUREAU OF INVESTIGATION



UNITED STATES GOVERNMENT

# Memorandum

TO

Mr. W. C. Sullivan *WCS*

DATE: July 14, 1964

FROM

[Redacted] *b7c*

SUBJECT

FRANK A. CAPELL  
INFORMATION CONCERNING  
(INTERNAL SECURITY)  
(137-2523)

*[Handwritten signatures and initials]*  
Tolson  
DeLoach  
Mohr  
Bishop  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

Memo, Baumgardner to Sullivan, 7/7/64, stated New York Office advised that new book by Frank A. Capell entitled "The Strange Death of Marilyn Monroe," which alleges that Attorney General Robert F. Kennedy had an intimate relationship with Miss Monroe, would be ready for sale about 7/10/64.

## Kennedy's Friendship with Miss Monroe "Well Known"

The New York Office has now furnished us with a copy of this 70-page book. The book claims that Miss Monroe's involvement with Kennedy "was well known to her friends and reporters in the Hollywood area," but was never publicized. It is alleged that "there are person-to-person telephone calls, living witnesses, tape recordings and certain writings to attest the closeness of their friendship."

The author suggests that Miss Monroe "was led to believe his intentions were serious," and that Kennedy had promised to divorce his wife and marry her. When he failed to do so, the book charges, she "threatened to expose their relationship," which would have ruined his presidential aspirations. It was then that Kennedy decided "to take drastic action."

## Kennedy Had Communists "Murder" Miss Monroe

According to the book, Kennedy used "the Communist Conspiracy which is expert in the scientific elimination of its enemies" to dispose of Miss Monroe by making her murder appear to be a suicide. This could have been achieved without great difficulty, the author points out, because her personal physician, Dr. Hyman Engelberg, was a communist.

Enclosure *2-15-64*

1 - Mr. Belmont  
1 - Mr. Mohr  
1 - Mr. Evans

1 - Mr. DeLoach  
1 - Mr. Sullivan  
1 - [Redacted]

RSB:bb *bb*  
(8)

64 JUL 27 1964

(OVER) 102 JUL 17 1964

*177-51387-*

NOT RECORDED

1 - [Redacted]  
1 - [Redacted]

6 JUL 18 1964

ORIGINAL FILED IN

b7C

Memo [redacted] to Sullivan  
Re: FRANK A. CAPELL  
INFORMATION CONCERNING

Most of the allegations made against Kennedy are contained in the chapter entitled "The V.I.P." (pages 49-61) and on pages 69 and 70.

Allegation Previously Branded False

It should be noted that the allegation concerning the Attorney General and Miss Monroe has been circulated in the past and has been branded as utterly false.

References to Director and FBI

There are several references in the book to the Director and/or the FBI. A biographical sketch of Capell on page 3 states that, while associated with the Westchester County, New York, Sheriff's Office, "he supervised the investigation of over five thousand individuals and organizations, including Nazis, Fascists and Communists, on behalf of the F.B.I. in most cases."

On page 49, it is stated that "under the direction of Bobby Kennedy the F.B.I. has been frustrated as never before."

On page 69, it is said that Mr. Hoover does not share Kennedy's opinion that the Communist Party, USA, "is a windmill virtually powerless to harm the United States."

On page 70, reference is made to an anonymous letter quoted in a column of Walter Winchell datelined May 25, 1964, at Hollywood, California, which told of a 23-year-old Beverly Hills blonde who had been "terrorized for months by the same person who caused Marilyn Monroe's death.... You can check this with F.B.I. Special Agent in Charge, Mr. Grapp in L.A..... Her initials are M.J."

Our Los Angeles Office reported that "M.J." was [redacted] a would-be actress of no talent, who is apparently mentally disturbed. [redacted] complained to the Beverly Hills, California, Police Department that she was being followed and harassed by unidentified men, but her allegations were completely unsubstantiated by the police.

[redacted] Former Security Index Subject b7C

[redacted] was the subject of a Security Matter-C investigation, but his Security Index card was canceled in 1953 after his cooperative interview with Agents of our Los Angeles Office. At that time [redacted] admitted membership in the Communist Party from about 1939 to 1948.

670

1973

[redacted] of the New York Office who was discontinued in 1962 at his own request, since he expressed the belief that his prominence in Kiwanis International made it difficult to maintain [redacted]

the Bureau. He is editor of "The Herald of Freedom," Post Office Box 333, Staten Island, New York, which is an anticommunist newsletter of an expose type.

Capell has been interviewed in recent months by Agents of our New York Office regarding numerous charges he leveled against a number of prominent individuals. Some of Capell's allegations are from public sources and are apparently true, some are completely without foundation, and others are extremely dubious and not subject to corroboration. Capell has consistently refused to divulge his alleged sources to our Agents.

### Attorney General Advised of Capell's Forthcoming Book

By letter dated 7/7/64, we advised the Attorney General of the nature of Capell's forthcoming book, as well as background data on Capell set forth in the preceding paragraph, although no mention was made that he was a former criminal informant.

## RECOMMENDATION:

That the attached letter be sent to the Attorney General enclosing a copy of the aforementioned book.

~~Required~~ ✓ OK Wed  
B.R.



The Attorney General

77-51387  
Director, FBI

July 8, 1964

FRANK A. CAPELL  
INFORMATION CONCERNING  
(INTERNAL SECURITY)

1 - Mr. Belmont  
1 - Mr. Mohr  
1 - Mr. Evans  
1 - Mr. DeLoach  
1 - Mr. Sullivan  
1 -   
1 -

PERSONAL

Mr. Frank A. Capell, 56 Bay Street, Staten Island, New York, advised the New York Office of this Bureau on July 2, 1964, that he is publishing a 70-page paperback book entitled "The Strange Death of Marilyn Monroe," which should be ready for publication about July 10, 1964.

According to Mr. Capell, his book will make reference to your alleged friendship with the late Miss Marilyn Monroe. Mr. Capell stated he will indicate in his book that you and Miss Monroe were intimate and that you were in Miss Monroe's apartment at the time of her death.

In recent years Capell has published "The Herald of Freedom," an anticommunist newsletter of an expose type, which names names and organizations. In the past several months he has been interviewed by Agents of our New York Office concerning numerous allegations he has made against a number of prominent individuals. Much of the information furnished by Mr. Capell has been of a very questionable nature and not subject to corroboration. He has consistently refused to reveal the alleged sources of his information.

Any additional information concerning the publication of the above book will be promptly brought to your attention.

2 New York  (See note)

ATTENTION: SAC, NEW YORK

Reurairtel 7/2/64.

You are instructed to follow this matter very closely. Furnish two copies of the book to the Bureau promptly upon its publication in order that the Attorney General may be kept advised.

EDS:rbm  
(12)

SEE NOTE PAGE 2

RECEIVED-DIRECTOR

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_

4 JUL 13 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

JUL 8 1 00 PM '64

RECEIVED

The Attorney General

NOTE:

b7C See memorandum [redacted] to W. C. Sullivan,  
same caption, dated 7/6/64, RDS:rbm.



F B I

~~CONFIDENTIAL~~

Date, 7/2/64

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL \_\_\_\_\_  
(Priority or Method of Mailing)

Mr. Tolson  
Mr. DeLoach  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Miss Holmes  
Miss Gandy

TO : DIRECTOR, FBI [ ] b2  
FROM : SAC, NEW YORK [ ] b7C  
SUBJECT: FRANK A. CAPELL - c  
b1 INFORMATION CONCERNING  
(OO: NEW YORK)

Classification [ ]  
Date 4-21-78 [ ]

On instant date, captioned individual advised he is about to publish a 70 page paperback book dealing with the suicide of actress MARILYN MONROE. He said the book is titled "The Strange Death of Marilyn Monroe" and will sell for \$2.00 per copy. CAPELL advised that the book should be ready for sale on or about 7/10/64, and that he will furnish a copy of this book for the Bureau's information.

He advised that the book will make reference to Attorney General ROBERT KENNEDY and KENNEDY's friendship with Miss MONROE. He advised that he will indicate that the evidence shows that KENNEDY and MONROE were intimate and that KENNEDY was in MONROE's apartment at the time of her death. He advised that he will attempt to show that some Communists were evidently working behind the scenes, inasmuch as a physician who signed the death certificate was a Communist.

It was noted that CAPELL appeared very emotional and aggressive when he advised of this book and was unable to state the exact purpose for having written it.

Upon receipt of a copy of this book from CAPELL, the NYO will furnish said copy to the Bureau for its information.

3 - Bureau [ ] (RM) b2 CONFIDENTIAL NOT RECORDED  
1 - New York [ ] b7D [ ]

VJS:mbg  
(5)

Classified by 1259  
Exempt from GDS 2  
Date of Declassification Indefinite  
Approved: [ ] Sent [ ] M Per [ ]  
Special Agent in Charge

ORIGINAL FILED IN [ ]

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Belmont

FROM : A. Rosen *RW*

SUBJECT : NATIONAL STATES RIGHTS PARTY  
RACIAL MATTERS

DATE : August 10, 1964

1 - Mr. Belmont  
1 - Mr. Rosen

1 -   
1 -   
1 -

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Our Tampa Office received information from a confidential source that Dewey M. Taft, Florida State Chairman of the National States Rights Party (NSRP) at a recent meeting indicated he was in the process of preparing an issue of the "American Digest" which would "headline the fact that Bobby Kennedy had his brother, John F. Kennedy, shot, that Ruby and Oswald were in on the deal, that they tried to kill Retired  before assassinating the President."

The "American Digest" is the NSRP publication printed by Dewey M. Taft at Tampa, Florida.

The NSRP is an anti-Semitic and anti-integration hate group.

## ACTION:

The information concerning Robert F. Kennedy is set forth in a report on the NSRP. Tampa has been instructed to immediately furnish that information in a letterhead memorandum in order that it may be disseminated to the President's Commission, investigating the assassination of former President Kennedy. The report containing the above information has already been furnished to the Department.

CAP:fas  
(6)

66 AUG 31 1964  
*E 74*

*177-51387-1621*  
RECORDED & INDEXED  
AUG 14 1964  
*SIX*

FBI

Date 8/7/64

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

TO : DIRECTOR, FBI  
ATTENTION: CRIME RECORDS

FROM: SAC, SAN FRANCISCO

RE : ATTORNEY GENERAL ROBERT F. KENNEDY

Enclosed is a clipping of an item appearing in the 8/7/64 issue of the "San Francisco Chronicle", a daily newspaper of general circulation.

"MEMO TO Atty. Gen. Robert F. Kennedy: You might be interested to know that 'Let Freedom Ring'--a right-wing telephone recording gimmick in the E. Bay (LA 4-0140)--is currently presenting excerpts from a book called 'The Strange Death of Marilyn Monroe,' which attempts to imply that you had a close connection with her and her tragic fate."

Persons dialing LA 4-0140, the telephone number set out in the clipping, heard a tape recording stating that two years ago the American public was shocked by the death of movie star MARILYN MONROE and states that a recently-published book by one FRANK A. CAPPELL (ph) entitled, "The Strange Death of Marilyn Monroe" revealed a secret romance between Attorney General ROBERT F. KENNEDY and MARILYN MONROE. The author of the book was reportedly a former law enforcement officer and he stated that the autopsy performed on MARILYN MONROE found no barbiturates in her stomach, although a considerable amount was in her bloodstream.

ENCLOSURE

3 - Bureau (RM)  
2 - San Francisco  
PFO/cld  
(5)

C. C. Wick

EX 109

11 AUG 27 1964

SENT DIRECTOR  
8-12-64

Approved.

Special Agent in Charge

Sent

M

Per

The book is also reported to indicate that MARILYN MONROE was attempting to influence ROBERT KENNEDY into obtaining a divorce, but when KENNEDY refused, MONROE allegedly threatened to expose their illicit affair.

The recording then states that this is the reason why President JOHNSON removed ROBERT KENNEDY as one of those being considered as candidate for Vice President and also attributes this as the reason why ROBERT KENNEDY stated he would spend a year in Europe following the November, 1964 elections. The recording then asks the question, "Did ROBERT KENNEDY take drastic action" when MARILYN MONROE pressured him into obtaining a divorce.

b7C The subscriber to the above number is [redacted], Berkeley, California. No record identifiable San Francisco indices.

September 1, 1964

PERSONAL

Honorable Robert F. Kennedy  
The Attorney General  
United States Department of Justice  
Washington, D. C.

Dear Bob:

On the occasion of your departure from the Department of Justice as Attorney General, I am indeed honored to present you an FBI Agent's gold badge which has been mounted.

I want you to have this badge as a memento of our association over the past several years. You may take pride in your many accomplishments as Attorney General, and my associates join me in wishing you continued success in your future endeavors.

Sincerely,

(S) Edgar

Enclosure

1 - Mr. DeLoach

ELC:par/hif  
(3)

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
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Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

79 SEP 4 - 1964

MAIL ROOM ☐ TELETYPE ☐

REC-15

18 SEP 4 1964

*delivered by hand  
9-1-64 au*

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. DeLoach

DATE: 8-24-64

FROM : M. A. Jones

Classified by 6678  
Exempt from GDS, Category 2  
Date of Declassification Indefinite 9/19/98

~~CONFIDENTIAL~~

SUBJECT: ARTICLE "KENNEDY TOP-RATED AS JUSTICE BOSS"  
BY JAMES E. CLAYTON,  
"WASHINGTON POST AND TIMES HERALD," 8-23-64

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

*McGarry*

In connection with captioned article, the Director has asked, "What do we know of Clayton?"

The article praises Robert Kennedy as one of the top Attorneys General, who will be leaving the Justice Department with a "remarkably good record." It credits Kennedy with guiding important legislation through Congress, fighting organized crime, pushing equal rights, and getting from his top aides work of excellence. Clayton mentions, however, that Kennedy has been criticized for being vindictive against his opponents, brutal in handling civil rights problems, soft in applying antitrust laws and using his power politically.

DECLASSIFIED BY SP9CJW/B  
ON 7/27/00

Among areas in which Kennedy has distinguished himself, according to Clayton, is his redirecting the efforts of the FBI. He states that no other Attorney General has been able to "impose his will on Hoover," but that Kennedy could because of his relationship to the President. The article states that 4 years ago, "the FBI pooched the existence of a national crime syndicate and used its best agents to chase communists," but that now they are fighting organized crime. Clayton alleges the Justice Department did not get "careful investigative work out of the FBI in civil rights cases," in 1960, but now is. Kennedy is also credited with closing Alcatraz, not possible in previous years because Hoover objected.

Clayton criticizes Kennedy for having FBI Agents "bang on doors in the middle of the night to gather information about the steel price increase in 1962," and for using the Justice Department to settle a personal feud with James Hoffa. Kennedy is praised for nursing the civil rights bill through Congress and for pushing through bills broadening FBI jurisdiction. The article notes that the Kennedy-sponsored bill that the FBI be allowed to legally tap wires was defeated.

JAMES E. CLAYTON:

ENCLOSURE

27-51387-1686  
NOT RECORDED

Bufiles reflect several references to Clayton, who reports for the "Post and Times Herald" on Supreme Court and Justice Department matters. In the late 1950's he

1 - Mr. DeLoach

JVA:sas (5)

SEP 18 1964

continued on next page

RESEARCH

~~CONFIDENTIAL~~

ORIGINAL FILED IN 94-8-6-437



M. A. Jones to DeLoach memo

RE: ARTICLE "KENNEDY TOP-RATED AS JUSTICE BOSS"

~~CONFIDENTIAL~~

wrote several articles regarding the Mallory Decision, and in 1957 another reporter for that newspaper advised the Bureau that he and James Clayton had tried to convince their superiors that the paper's support of the Supreme Court in the Mallory Decision was wrong. In July, 1961, Clayton called your office and requested information on the obtaining of security clearances for a story he wanted to write; Clayton was advised the FBI does not pass on the question of clearances and could not be of help.

In 11-62 in response to Department instructions that all possible witnesses to violence at the University of Mississippi in the fall of 1962 be interviewed, the FBI interviewed Clayton and he advised that he had not witnessed any acts of violence at that time.

The 5-21-63 issue of "The Post" contained an article by Clayton giving credit to Kennedy for mobilizing the FBI against organized crime. The Director noted: "Another snide attack on FBI obviously emanating from the Dept."

b7C and In 3-64, it was reported that [redacted] Yugoslav Embassy Press Counselor/intelligence agent, was scheduled to have lunch with Clayton on 4-8-64. (S)(u)

OBSERVATIONS:

The captioned article by Clayton is obviously another attempt by the Department to claim credit for FBI achievements in organized crime and civil rights, at the same time making a snide attack on Mr. Hoover and the Bureau for political purposes.

RECOMMENDATION:

For information.

V.

HPM

DW  
8-24-64

GRC

~~CONFIDENTIAL~~

# Kennedy Top-Rated As Justice Boss

A Lot of Dynamic Pluses Stacked Against  
A Few Bobbles by Attorney General

By James E. Clayton  
Staff Reporter

FOR A MAN whose motives, intellect, experience and judgment were sharply questioned when he took office, Robert F. Kennedy will be leaving the Justice Department shortly with a remarkably good record.

Kennedy may not be the best Attorney General this Nation has had in a generation, but if he is not the best, he is awfully close to it.

He has guided more important legislation through Congress than did any of his predecessors in the past 30 years. He has made the Federal Government, for the first time, a vigorous enemy of organized crime. He has pushed equal rights for all Americans harder and farther than any other Attorney General in history. And he has gotten from his top aides work of such excellence as has seldom before been approached in the Justice Department.

All this adds up to an administrative record for Kennedy — as contrasted with his record on nonlegal activities — that puts him near the top among the 68 men who have occupied the office of Attorney General since it was created in 1789.

## The Indictment

THE KENNEDY record, however, is not perfect. His critics say that he has been vindictive against those who dared defy him or his brother, brutal in his handling of civil rights problem, soft in his application of the antitrust laws to big business, inclined to use his power to aid his brother's political image and careless of civil liberties.

Some of these criticisms are valid, and it will be interesting in the weeks ahead to see how those who cried out against his appointment now assess his record.

To those who said in 1960 that he was a political opportunist, Kennedy can point to the indictment and conviction of two Democratic Congressmen for violating the conflict of interest laws — an indictment that cost the Democrats a seat in Congress in 1962.

To the liberals who said in 1960 that he failed to understand the need for scrupulous care about civil liberties, Kennedy can point to the Johnson

CONFIDENTIAL

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Trotter  
Tele Room  
Holmes  
Gandy

What do we know of Clayton?

The Washington Post and Times Herald  
The Washington Daily News  
The Evening Star  
New York Herald Tribune  
New York Journal-American  
New York Mirror  
New York Daily News  
New York Post  
The New York Times  
The Worker  
The New Leader  
The Wall Street Journal  
The National Observer  
People's World

ENCLOSURE

ENCLOSURE

NOT RECORDED

SEP 8 1964

CONFIDENTIAL

SEP 8 1964

AUG 23 1964

ORIGINAL FILED IN

Memorandum  
to Mr. DeLoach  
from Mr. Mohr  
8/24/64  
700

27-513 8:9

~~CONFIDENTIAL~~

does stride the Government ~~has~~ <sup>is</sup> in giving the poor a fairer deal in the courts.

To those who then said he was a cynic about equal rights for Negroes, he can point to a dozen occasions when he took action that endangered the political standing of his brother because, he said, those actions were right.

There are five specific areas, most of them generally unpublicized, in which Kennedy's actions place him in a different category from most Attorneys General. He has redirected the efforts of the FBI, closed Alcatraz, broadened presidential use of the power to pardon, partially humanized the Immigration Service and improved the caliber of the Federal judiciary.

The most dramatic of these five involve J. Edgar Hoover and the FBI. No other Attorney General in 30 years has been able to impose his will on Hoover. Kennedy was able to do so largely because of his relationship to the President who made him Attorney General.

For example, four years ago, the FBI pooh-poohed the existence of a national crime syndicate and used its best agents to chase Communists; now it has its best men, and many of them, challenging a crime organization whose existence it concedes. In 1960, the Justice Department was not getting careful investigative work out of the FBI in civil rights cases, now it is. And, for 25 years, every Attorney General has agreed with Prison Director James V. Bennett that Alcatraz should be closed, but no Attorney General until Kennedy was able to carry out the decision to close it, because Hoover objected.

#### A Salvage Project

**R**ELATED TO Robert Kennedy's attitude toward Alcatraz was his attitude toward the use of pardons and commutations of sentence. In his first six months in office, President Kennedy pardoned more men who had paid their debts to society and commuted more prison sentences than President Eisenhower had done in eight years. Much of this resulted

from Robert Kennedy's desire to even out disparities in prison sentences for similar crimes and to rehabilitate fully, by restoring their right to vote, those men who made good.

There were indications from the beginning that Robert Kennedy would compile a good record as Attorney General. Although he had never shown brilliance as a lawyer, he surrounded himself with brilliant lawyers, listened to their advice and backed them up when they acted for him.

Shortly after Kennedy picked all his top legal aides, a leading Republican lawyer said, "I've never seen a group of lawyers with so much potential appointed to the Department." He explained that only once before—when Herbert Brownell picked his first group of aides—had such good lawyers been selected to head the Justice Department's many activities. The difference, he added, was that Kennedy's men were young, and only time would tell if they would live up to their potential.

**TIME** HAS told, and they have. In the 43 months since those appointments, there has been almost no turnover at the Justice Department's top level. Six of the eight men Kennedy named to key posts are still with him. One, Byron R. White, was appointed to the Supreme Court. A second, Lee Loevinger, was eased out and appointed to the FCC.

Of the others, Deputy Attorney General Nicholas deB. Katzenbach and Assistant Attorney General Burke Marshall are best known to the public because both have been deeply involved in civil rights problems. Both are regarded in the legal profession as outstanding lawyers.

Solicitor General Archibald Cox, who as the Justice Department's No. 3 man represents the Federal Government before the Supreme Court, is generally conceded to be one of the best advocates to hold that post in this century. And Assistant Attorneys General Louis D. Oberdorfer, Herbert J. Miller (a Republican), Ramsey Clark, John Douglas and William Orrick are all highly regarded by the legal profession.

A LOOK at the statistics validates that regard. Oberdorfer has had a major role

~~CONFIDENTIAL~~

in cutting the average time it takes the Government to conclude tax cases from 36 months ten years ago to 14 months now.

Miller's organized crime division, with a greatly enlarged staff, has boosted its number of convictions from 45 in 1960 to 288 in 1963. Clark has reduced the backlog of Federal condemnation cases to the lowest level in 20 years.

All this, however, has not been achieved without some severe morale problems in the lower levels of the Justice Department. There is dissatisfaction there, some of it arising from a feeling that the Attorney General has never understood the problems of litigation and some of it from a feeling that Kennedy has been much too informal and condescending for a Cabinet officer.

THE PUBLIC, however, looks at the Justice Department from a view quite different from that of the lawyers. Its questions are: Has the department rendered justice? Has its power to haul individuals into court been used vindictively or for political purposes? Has the Attorney General acted wisely in the field of civil rights and in his choice of legislation to support?

In some of these areas, Kennedy is open to criticism. For example, it was a major blunder for FBI agents to bang on doors in the middle of the night to gather information about the steel price increase in 1962. This gave the impression, quite properly, of an angry and frustrated Government that was taking revenge on a segment of the economy that had challenged it.

From that point on, however, the Department walked cautiously as far as big business was concerned.

THERE IS also a feeling in many quarters that Kennedy has used the Justice Department to settle his personal feud with James R. Hoffa. Kennedy denies this but there is some truth to it. No other individual has received the kind of scrutiny that has been focused on the leader of the Teamsters.

There has also been some substantial criticism of a few men whose appointments to the Federal bench were recommended by Kennedy. Some of his selections have indeed been bad. But, on balance, his choices have improved the quality of the Federal judiciary.

In the field of civil rights, where he has held the hottest spot in the Cabinet, Kennedy has earned many admirers and made many enemies. For every one who complains that he has been too unrelenting, there is one who says he has frequently been too soft.

For example, he is criticized for pushing too hard at the University of Mississippi, where Federal troops were needed to quell a near-rebellion. But the riot there was, in large part, the result of a miscalculation by the Attorney General and of an effort to be soft.

THE MISSISSIPPI situation was, however, typical of the way Kennedy attempted to handle civil rights problems. The effort was to persuade officials that Negro advancement was inevitable. This policy of persuasion worked in some places; there is a string of counties across the South where Negroes are now registering to vote, without lawsuits and without publicity. But it did not work in Mississippi, where persuasion was useless and where Kennedy underestimated the forces opposing desegregation.

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In the area of legislation, there are three stars in the Kennedy record. One is last June's civil rights bill that Kennedy and his aides nursed through Congress.

Next is the package of bills broadening the jurisdiction of the Federal criminal law and the FBI. This was the heart of Kennedy's anti-crime drive. The most controversial of these bills, a request by Kennedy that the FBI be allowed to tap wires legally, was defeated, but his espousal of it led some civil libertarians to question his understanding of what civil liberties are all about.

THE THIRD major piece of legislation was signed at the White House just last week. It is the criminal justice bill through which, for the first time, Congress has authorized the use of Federal funds to provide attorneys for persons accused of Federal crimes and too poor to pay their own legal bills.

Such a measure has been sought by the Justice Department for many years and its passage, coupled with his efforts to eliminate the abuses now surrounding the release of suspects on bail, may be the most humanitarian achievement of Robert Kennedy's career as Attorney General.

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